

Farmington City Council Meeting

January 6, 2015

JOINT CITY COUNCIL/PLANNING COMMISSION WORK SESSION

Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor & Jim Young, Planning Commission Members Rebecca Wayment, Bret Anderson, Kent Hinckley, Alex Lehman, Heather Barnum, Brett Gallagher & Val John Halford, City Manager Dave Millheim, Finance Director Keith Johnson, Development Director David Petersen, Associate Planner Eric Anderson, City Engineer Chad Boshell, Parks & Recreation Director Neil Miller, Police Chief Wayne Hansen, Fire Chief Guido Smith, City Recorder Holly Gadd & Recording Secretary Cynthia DeCoursey. Council Member Cory Ritz was excused. Youth City Council Members Alex Woods, Judson Barnett & Sam Jardine attended the Regular Session.

Mayor Talbot welcomed those in attendance and expressed gratitude to **Antone Clark**, Standard-Examiner correspondent, for his friendship and fair representation through the years.

Request for text amendment of Chapters 1, 2, 3 and 6 of the Subdivision Ordinance

The need for this amendment arose when an applicant appealed a preliminary plat decision made by the Planning Commission ("PC"). When it was called to the City's attention that an appeal cannot be made to the land use authority (the City Council ("CC") is both the land use authority and the appeal body under the current Ordinance), the City Attorney recommended that the subdivision approval process be altered. **David Petersen** said the PC recommended the following proposal:

Existing:

Schematic Plan

PC recommends (Public Hearing)

CC approves/denies (Public Hearing)

Preliminary Plat

PC approves/denies

Appeals to CC

Final Plat

PC recommends

CC approves/denies

Proposed:

Schematic Plan

PC recommends (Public Hearing)

CC approves/denies

Preliminary Plat

PC recommends

CC approves/denies (Public Hearing)

Appeals to District Court

Final Plat

PC approves/denies

Appeals to CC, then to District Court

Todd Godfrey emphasized that there is no perfect process but the City should try to adopt a process that would work for both sides. The current proposal would be more expensive, and the CC would be less involved. The most important question for the PC and the CC is to determine if the use is consistent with the City's Ordinance, and he would prefer the public hearing at the preliminary plat level. **Dave Millheim** agreed and said the

differences between the PC and the CC would become more distinct. There was discussion regarding the pros and cons of each process, and the City Manager advised the PC and the CC to table this item to allow additional time for research and thought.

REGULAR SESSION

CALL TO ORDER:

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

Dave Millheim offered the invocation and **Brigham Mellor** led the Pledge of Allegiance.

Recognition of Louenda Downs

Mayor Talbot thanked **Louenda Downs** for her service as a Davis County Commissioner for the past 8 years and presented her with a Farmington City commemorative coin.

JOINT CITY COUNCIL/PLANNING COMMISSION PUBLIC HEARING:

Request for a Text Amendment – Chapters 1, 2, 3 and 6 of the Subdivision Ordinance

Public Hearing:

The Public Hearing was opened at 7:15 p.m.

Wendy Rasmussen, 1233 West 1275 South, said the Schematic Plan is generally not as helpful for the public as the preliminary plat. Because the CC approves the final plat a third party should be the appeal body.

The Public Hearing was closed at 7:18 p.m.

Motion:

Brigham Mellor made a motion to table the request for a Text Amendment – Chapters 1, 2, 3 and 6 of the Subdivision Ordinance and directed David Petersen to prepare additional details. The motion was seconded by **Jim Young** and unanimously approved.

SUMMARY ACTION:

Summary Action List

1. **Approval of Minutes from December 16, 2014**
2. **Final Plat for Phases I and II of Farmington Hollow**
3. **Oakwood Homes - Request for extension of Sales Trailer Agreement**
4. **Consideration of 1100 West Design (fronting the future park)**

Motion:

Brigham Mellor made a motion to approve the four items on the Summary Action List. The motion was seconded by **Doug Anderson** and unanimously approved.

ADJOURNMENT

The meeting was adjourned at 7:20 p.m.

JOINT CITY COUNCIL/PLANNING COMMISSION TRAINING:

Property Rights and Public Clamor presentation by Greg Bell

Dave Millheim said **Greg Bell** served as Mayor of Farmington from 1994-2002, in the State Senate from 2002-2010 and as Lieutenant Governor from 2009-2013.

Greg Bell stated that Utah residents typically honor and revere the Constitution except when it comes to zoning, and then fundamental property rights are routinely allowed to be ignored and violated. He has worked as a real-estate attorney and a developer and served on the CC and as Mayor, and he understands the spectrum of issues. The right of property is a fundamental right. Many municipalities in Utah ignore and violate their own land-use ordinances and state law, so it is vital to create general plans and establish zoning laws with each zone having a use by right.

Annual Training by City Attorney Todd Godfrey

City Attorney **Todd Godfrey** pointed out some of the differences between legitimate public input and public clamor which is an illegal consideration on any administrative action. He advised each PC and CC member to fill out a disclosure statement and to recuse themselves from voting on any conflicting issue. With regard to ex parte communication, he advised each member not to have one-on-one conversations with anyone who has submitted an application or anyone who has assisted with that application and not to allow any lobbying. If a developer tries to discuss his project, ask him to discuss it in front of everyone. If a neighbor asks for an opinion on an application that still has to go to a public hearing, do not discuss it. Gifts less than \$50 are usually fine, but do not accept anything that will bias your vote. He also advised the PC and CC to avoid emails and texts which could have the appearance that a decision has been made.

The Training ended at 9:15 p.m.

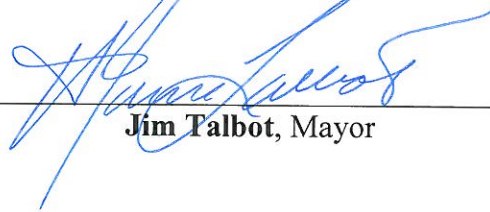
CLOSED SESSION:

Motion:

At 9:15 p.m. **John Bilton** made a motion to go into a closed meeting to discuss property acquisition. The motion was seconded by **Jim Young** and unanimously approved.

Sworn Statement

I, **Jim Talbot**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.



Jim Talbot, Mayor

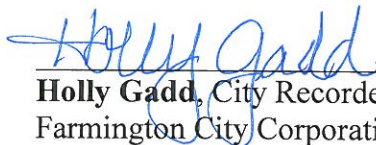
Motion:

At 9:45 p.m. **Brigham Mellor** made a motion to reconvene in an open meeting. The motion was seconded by **Doug Anderson** and unanimously approved.

ADJOURNMENT

Motion:

Brigham Mellor made a motion to adjourn the meeting. The motion was seconded by **John Bilton** and unanimously approved, and the meeting was adjourned at 9:45 p.m.



Holly Gadd, City Recorder
Farmington City Corporation